

**BOARD OF SUPERVISORS' MEETING**  
**PLANNING AND ZONING AGENDA**  
**June 22, 2016**

**CONSENT AGENDA**

1. Title: 1080 E. Gilbert Dr. Tempe (Cont. from 6/8/16 BOS)  
Case #: **Z2016010**  
Supervisor District: 1  
Applicant/Owner: Carolyn Oberholtzer / Gilbert Drive Industrial Partners, LLC  
Request: Major Amendment to the IND-2 IUPD development standards  
Site Location: Generally located approximately 600 feet to the east of the northeast corner of Mary St. and Gilbert Dr. in the Tempe area  
  
Commission  
Recommendation: On 5/5/16, the Commission voted 6-0 to recommend **approval** of **Z2016010** subject to conditions 'a' – 'g':

Provided the following conditions are met:

- a. Development of the site shall comply with the site plan entitled "IUPD Amendment", consisting of two full-size sheets, dated December 7, 2015, and stamped received February 19, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Application for Major Amendment to Approved IUPD Standards", consisting of 9 pages, dated February 19, 2016, and stamped received February 19, 2016, except as modified by the following conditions.
- c. The following IND-2 IUPD standards shall apply for the off-site advertising sign:
  1. Height of the off-site advertising sign: 54 feet (except that lighting fixtures may extend another four feet above the top of the sign)
  2. Maximum sign face area: 672 square feet
- d. Billboard lighting shall adhere to MCZO Article 1112.3.2. Lighting shall be from the top down and fully shielded.
- e. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Major Amendment to the IND-2 IUPD standards as set forth in the Maricopa County Zoning Ordinance.
- f. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- g. The granting of this change in the development standards for the property has been at the request of the applicant, with the consent of the landowner. The

granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the development standards that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Major Amendment. The Major Amendment is granted and reverting to the prior development standards results in the same value of the property as if the Major Amendment had never been granted.

2. Title: PHO Carpintero (Cont. from 6/8/16 BOS)  
Case #: **Z2015082**  
Supervisor District: 1  
Applicant/Owner: Centerline Solutions on behalf of Verizon Wireless / Land Hill Holdings, LLC  
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) - 70' (h) monopalm in the R-4 zoning district  
Site Location: Generally located at the northeast corner of Hunt Highway and Valencia Ave. in the Queen Creek/Gilbert area  
Commission  
Recommendation: On 5/5/16, the Commission voted 6-0 to recommend **approval** of **Z2015082** subject to conditions 'a' – 'l':

Provided the following conditions are met:

- a. Development of the site shall comply with the Zoning Exhibit entitled "Verizon PHO Carpintero", consisting of three (3) full-size sheets, stamped received February 26, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Verizon PHO Carpintero", consisting of five (5) pages, stamped received January 8, 2016, except as modified by the following conditions.
- c. The maximum height of the Wireless Communication Facility shall be limited to 70' (h) including attachments, except for palm fronds/concealment elements.
- d. Live palms of no less than 10' and 20' in height shall be planted in close proximity to the monopalm within 180 days of approval. The live palms shall be maintained and deceased palms shall be replaced so long as the Special Use Permit remains in effect.
- e. The antenna array diameter shall be limited to 8' across. All future appurtenances shall protrude no further from the center of the tower than this initial antenna array, and shall maintain integrity of concealment elements.

- f. The wireless communication tower shall retain the stealth properties as originally designed. Any damaged or missing fronds or branches shall be replaced within 60 days of such damage occurring.
- g. Future carriers may co-locate on the Wireless Communication Facility if co-location does not increase overall tower height, increase protrusion of appurtenances, or adversely impact concealment elements. Any change to these elements will require an amendment to the Special Use Permit.
- h. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, inactivity of the use for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- l. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

3. Title: Arlington Valley Energy (Cont. from 6/8/16 BOS)  
Case #: **Z2014071**  
Supervisor District: 4  
Applicant/Owner: Ed Bull / Arlington Valley, LLC

Request: Rezone from Rural-190 to IND-2 IUPD for power generation facility  
Location: Generally located at the southwest corner of 387<sup>th</sup> Ave. and Elliot Rd. in the Arlington area  
Commission  
Recommendation: On 5/5/16, the Commission voted 6-0 to recommend **approval** of **Z2014071** subject to conditions 'a' – 'f':

Provided the following conditions are met:

- a. Development of the site shall comply with the Site Plan entitled "Arlington Valley", consisting of 7 full-size sheets, and stamped received March 3, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Arlington Valley Energy, LLC", consisting of 4 pages, dated March 3, 2016 and stamped received March 3, 2016, except as modified by the following conditions.
- c. The following IND-2 IUPD standards shall apply:
  1. Building Height: Maximum 185 feet
  2. Site Enclosure and screening requirements: No screening requirements on site buildings and parking lots set back more than minimal distance. Site enclosure is a chain link fence.
  3. Use is limited to electric power generation and distribution facilities and ancillary uses.
- d. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- e. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- f. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and

reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

4. Title: McMichael Property (Cont. from 6/8/16 BOS)  
Case #: **Z2016014**  
Supervisor District: 2  
Owner: Lovelle McMichael  
Request: Special Use Permit (SUP) for operation of a residential group home facility in the R1-8 zoning district  
Location: Generally located approximately 125' east of the southeast corner of 114<sup>th</sup> St. and Broadway Rd. on the south side of Broadway Rd. in the east Mesa area  
Commission  
Recommendation: On 5/5/16, the Commission voted 6-0 to recommend **approval** of **Z2016014** subject to conditions 'a' – 'd':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Narrative Report entitled, "McMichael Property", consisting of 3 pages, dated March 17, 2016 and stamped received March 17, 2016, except as modified by the following conditions.
- b. The McMichael Property will be limited to a maximum of 5 minors as patient residents. Any increase to the total number of minors at the facility would require an amendment to the Special Use Permit and a change in Residential Occupancy Building Code to R-4 which could allow for 6 – 10 persons which includes patients, caretakers and residents.
- c. Noncompliance with any Maricopa County Regulation shall be grounds for initiating revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- d. The granting of this change in use of the property has been at the request of the owner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.

5. Title: Southwest Wildlife Conservation Center  
Case #: **Z2016016**  
Supervisor District: 2  
Applicant/Owner: Sam Coppersmith, Coppersmith Brockelman PLC / Linda Searles  
Request: Special Use Permit (SUP) to allow for public assembly/special events at a private wildlife reservation in the Rural-43 zoning district  
Location: Generally located approximately 628' west of the northwest corner of 156<sup>th</sup> St. and Red Bird Rd. on the north side of Red Bird Rd. alignment in the Rio Verde area  
Commission  
Recommendation: On 5/5/16, the Commission voted 6-0 to recommend **approval** of **Z2016016** subject to conditions 'a' – 'i':

Provided the following conditions are met:

- a. Development of the site shall be in substantial conformance with "Land Use Map", consisting of 1 full-size sheet, dated February 18, 2016 and stamped received March 8, 2016, except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Southwest Wildlife Conservation Center", consisting of 7 pages (including title page) stamped received March 8, 2016, except as modified by the following conditions.
- c. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors or after termination of use for a period of 90 or more consecutive days, whichever occurs first.
- d. The applicant/owner shall submit a written report outlining the status of the development at the end of 2 years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved conditions, and/or whether additional status reports will be necessary.
- e. Applicant shall utilize a water truck or sprayer to control dust along 156<sup>th</sup> Street, between Red Bird Road and Rio Verde Drive, and along the private driveway providing access to the site from 156<sup>th</sup> Street, or some other method acceptable to Maricopa County Department of Air Quality, as necessary for all public assembly events.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.

- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, and at the time of expiration of the Special Use Permit, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, or the expiration of the Special Use Permit, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation or expiration of the Special Use Permit. The Special Use Permit enhances the value of the property above its value as of the date the Special Use Permit is granted and reverting to the prior zoning results in the same value of the property as if the Special Use Permit had never been granted.
- i. Unless a public water system is approved by the Maricopa County Environmental Services Department, all public assembly or special events shall be limited to a maximum of 50 attendees on site at any given time. Bottled water shall be provided for all assembly/events with 25 or more attendees. The applicant may hold up to 3 special events in any calendar year which exceed 50 attendees, up to a maximum of 100 attendees, so long as appropriate measures are taken for off-site parking, circulation, and dust control. Any assembly/event in excess of these limits requires a temporary use permit.

6. Title: El Grande Taco Loco  
Case #: **Z2015090**  
Supervisor District: 4  
Applicant/Owner: Joe Burke, Burke Engineering / Pam Holguin Delgado  
Request: Zone change from R-4 to C-2 CUPD  
Site Location: Generally located at southeast corner of U.S. 60 and 3<sup>rd</sup> St. in Aguila  
  
Commission  
Recommendation: On 5/19/16, the Commission voted 6-0 to recommend **approval** of **Z2015090** subject to conditions 'a' – 'j':

Provided the following conditions are met:

- a. Development of the site shall comply with the Site Plan entitled "Conceptual Site Plan", consisting of 1 full-size sheet, dated August 2015 and stamped received April 19, 2016 except as modified by the following conditions.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Project Narrative for El Grande Taco Loco", consisting of 4 pages, dated April 19, 2016 and stamped received April 19, 2016 except as modified by the following conditions.

- c. The applicant/property owner shall submit a 'will serve' letter Aguila Volunteer Fire Department for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- d. The following C-2 CUPD standards shall apply: No block wall required between parcels zoned C-2 CUPD and neighboring residentially zoned (R-4) parcels. Applicant shall provide landscaping buffer as shown in the Landscape Plan entitled "Conceptual Landscape Plan" dated October 26, 2015 and stamped received November 9, 2015.
- e. The applicant shall combine the six existing parcels into one new parcel. The new parcel shall be recorded by the Maricopa County Recorder's Office and a recording number shall be provided to the Planning and Development Department prior to issuance of the construction permits.
- f. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- g. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with conditions.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.
- i. The following Engineering comments shall apply:
  - 1. At the time of application for building permits, the applicant must provide documentation as to if the improvements to the building constitute a "Substantial Improvement" as defined in the Floodplain Regulations for Maricopa County. The requirement to raise the finished floor elevation of the building is not discretionary. If the improvements to the building constitute a "Substantial Improvement", the entire structure must be brought into conformance with the Floodplain Regulations for Maricopa County (i.e. floor raised or flood proofed to the regulatory flood elevation).

2. Any site disturbance other than that depicted on the approved plans (i.e. on the 3 adjoining parcels included with the re-zone request) will require that they (the parcels) be included in the site's retention calculations.
  3. Any work within the right-of-way of US Route 60 will require a permit from ADOT.
  4. Driveway access to Third Street will require installation of curb and sidewalk across the entire site frontage. Any work in the right-of-way of Third Street will require a permit from MCDOT.
- j. The CUPD overlay shall restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems.

### **REGULAR AGENDA**

7. Title: Power & San Tan RV Storage Yard (Cont. from 4/6/16 BOS hearing)  
Case #: **CPA2015006**  
Supervisor District: 1  
Applicant/Owner: Hook Engineering Inc. / Hoots Family Investments, LP  
Request: Comprehensive Plan Amendment (CPA) to change the Queen Creek Area Plan land use designation from Suburban Residential to Commercial Retail Center - CPA case approval is by Resolution.  
Site Location: Generally located 330' north of San Tan Blvd. and 180' east of Power Rd. in the Queen Creek area  
Commission  
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **CPA2015006** subject to conditions 'a' – 'c':

Provided the following conditions are met:

- a. Development of the site shall be in conformance with the Narrative Report entitled "Power & San Tan RV Storage Yard, Queen Creek AZ, Comprehensive Plan Amendment Narrative Report CPA2015006" including all exhibits dated December 8, 2015 and stamped received December 22, 2015, except as modified by the following conditions.
- b. The land use designation of Commercial Retail Center approved as part of CPA2015006 shall be subject to the time limits set forth in the subsequent Special Use Permit, and shall change to the previous Suburban Residential land use designation upon Special Use Permit expiration.
- c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land

use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.

8. Title: Power & San Tan RV Storage Yard (Cont. from 4/6/16 BOS hearing)  
Case #: **Z2015054**  
Supervisor District: 1  
Applicant/Owner: Hook Engineering Inc. / Hoots Family Investments, LP  
Request: Special Use Permit (SUP) for commercial storage of vehicles in the R1-35 zoning district.  
Site Location: Generally located 330' north of San Tan Blvd. and 180' east of Power Rd. in the Queen Creek area  
Commission  
Recommendation: On 3/10/16, the Commission voted 7-0 to recommend **approval** of **Z2015054** subject to conditions 'a' – 'h':
- a. Development of the site shall be in general conformance with the Site Plan entitled "Site Plan with Conceptual Grading & Drainage, Power & San Tan RV Storage Yard, Queen Creek AZ 85142" consisting of 2 full-size sheets, dated December 9, 2015, and stamped received December 22, 2015, except as modified by the following conditions.
  - b. Development of the site shall be in conformance with the Narrative Report entitled "Power & San Tan RV Storage Yard, Queen Creek AZ, Special Use Permit Narrative Report Z2015054" consisting of 24 pages including all exhibits dated December 17, 2015 and stamped received December 22, 2015, except as modified by the following conditions.
  - c. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors for a period of 90 or more consecutive days, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
  - d. Signage shall conform with Section 1403 of Maricopa County Zoning Ordinance for Commercial Zoning Districts within the C-1 zoning district.
  - e. The following Planning Engineering conditions shall apply:
    - 1. Power Rd is County right-of-way and an actively-maintained roadway. Work within the right-of-way is subject to the MCDOT standards and permit.
  - f. The following MCESD conditions shall apply:

1. Development and engineering design shall be in conformance with the Maricopa County Stormwater Quality Management and Discharge Control Regulation. It is required, the owner/developer to prepare a SWPPP and obtain approval by MCESD prior to construction. (A separate submittal to MCESD would be required.) It is required, upon completion of construction, the owner to fulfill MCESD requirements and obtain a post-construction stormwater permit.
  2. If applicable, the site plan shall contain a note designating the entity responsible for operation and maintenance of the on-lot stormwater management facilities consistent with an approved operation and maintenance plan.
- g. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property owner to enjoy uses in excess of those permitted by the land use existing on the date of application, subject to conditions. In the event of the failure to comply with any condition of approval, the property shall change to the land use designation that existed on the date of application. It is, therefore, stipulated and agreed that such change due to the failure to comply with any conditions does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such change.
9. Title: El Rio Design Guidelines and Planning Standards  
Case #: **CPA2016003**  
Supervisor Districts: 4 & 5  
Applicant/Owner: N/A  
Request: *Approval of the El Rio Design Guidelines and Planning Standards – a Guide for Land Management and Implementation of the El Rio Watercourse Master Plan as recommended by the El Rio Steering Committee - CPA case approval is by Resolution.*  
  
Site Location: Gila River corridor between the Dysart Rd. alignment and SR 85  
Commission  
Recommendation: On 5/19/16, the Commission voted 6-0 to recommend **approval** of **CPA2016003**